

REMARKS/ARGUMENTS

The Office Action mailed August 23, 2005 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claim Status and Amendment to the Claims

Claims 1-53 are now pending.

Claims 2-14, 17-21, 25-33, 35-38, 40-53 have been withdrawn from consideration as being drawn to a non-elected species as the result of an earlier restriction requirement. Thus, Claims 1, 15-16, 22-24, 34 and 39 are currently under consideration.

Claim 1, 15-16, 34 and 39 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. The text of claims 22-24 is unchanged, but their meaning is changed because they depend from amended claims.

Withdrawn claims 2-5 and 11-12, which directly or indirectly depend from Claim 1, have also been amended, in conformity with the amended language of Claim 1, to further particularly point out and distinctly claim subject matter regarded as the invention.

The amendment also includes minor changes of clerical nature to enhance readability. Support for the amendment may be found in the present specification, for example, page 17, line 13 to page 18, line 2, and page 20, line 31 to page 21, line 8, and FIGS. 1 and 25. No new matter has been introduced by this amendment.

The 35 U.S.C. §112 Rejection, Second Paragraph

Claims 1, 15-16, 22-24, 34, and 39 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly

claim the subject matter applicant regards as the invention. In the Office Action, the Examiner specifically alleges as follows:

The terms “highest” and/or “higher” and/or “lowest” and/or “lower” and/or “intermediate” in claims 1, 15, 16, 34 and 39 are relative terms that render the claims indefinite. The terms “highest” and/or “higher” and/or “lowest” and/or “lower” and/or “intermediate” are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

This rejection is respectfully traversed.

First, Applicants respectfully submit that the terms “highest,” “lowest,” and “intermediate” used in the claims and in the present specification are not “relative” terms, i.e., “terms of degree” (see MPEP §2173.05(b)), but the terms represent respective structural levels of the multi-layer network. This multi-layer structure of the network has been clarified in each independent claims by this amendment. The claimed multi-layer network structure is described in the present specification, for example, page 17, line 13 to page 18, line 2, and page 20, line 31 to page 21, line 8, and FIGS. 1 and 25, such that one of ordinary skill in the art would understand what is claimed, in light of the specification.

The structure of each network level is also clearly defined in the claims. That is, as recited in the claim 1 as amended, the “highest level network” is a ring network, and comprises at least one center node and two or more remote nodes. The “intermediate level network” is also a ring network, which includes one of the nodes belonging to the highest level network as a center node thereof, or includes one of the nodes belonging to another intermediate level network immediately above the intermediate level network as

a center node thereof. Similarly, the “lowest level network” is a star network centered around an access node which is a remote node belonging to the intermediate level network. The recited relationships among the nodes belonging to respective network levels provide structural relationships between the “highest” and “intermediate” level networks, and also between “intermediate” and “lowest” level networks. In addition, from the claim language, it is understood by one of ordinary skill in the art that if one of the nodes belonging to a first intermediate level network is a center node of a second intermediate level network, the first intermediate level network is “immediately above” the second intermediate level network, in the case where there are more than one intermediate level networks. Please note that the term “above” is not a term of degree, but a term of structural relationship between two network levels. In addition, the terms “higher” level network and “lower” level network have been replaced with explicit recitation of the corresponding network levels by this amendment. Claims 15-16, 34 and 39 have also been amended in a similar manner.

Therefore, one of ordinary skill in the art would reasonably apprise of the scope of the invention from the claim language and the description. Accordingly, with this amendment, withdrawal of the 35 U.S.C. §112, second paragraph, rejection is respectfully requested. In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Consideration of Non-elected Species Claims

As provided by 37 C.F.R. §1.141, Applicant is entitled to consideration of claims to a reasonable number of disclosed species in addition to elected species provided all the

claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Here, claims 2-5 and 11-12 depend from claim 1, and thus include all of the limitations of claim 1. Since claim 1 is an allowable generic claim, as discussed above, it is respectfully requested that claims 2-5 and 11-12 be considered and allowed with claim 1. Similarly, claims 48 and 52 depend from claim 15, and thus include all the limitations of claim 15. Since claim 15 is an allowable generic claim, it is also respectfully requested that claims 48 and 52 be considered and allowed with claim 15.

Please note that claims 2-5 and 11-12 have also been amended, in conformity with the amended language of Claim 1, to more clearly recite the network level structure so as to further particularly point out and distinctly claim subject matter regarded as the invention.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements. In view of the foregoing, it is respectfully asserted that claims 1-5, 11-12, 15-16, 22-24, 34, 39, 48 and 52 are now in condition for allowance.

Conclusion


It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1698.

Respectfully submitted,
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